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7 *DARLA FOLEY, ED GRAY, SHAWN ARRUTI and JAMES WRIGHT*

8
9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 JOHN QUINTERO,

12 Plaintiff,

13 vs.

14 CONNIE BISBEE, et al.,

15 Defendant/Respondent.
16

CASE NO. 3:16-cv-00673-MMD-VPC

**MOTION FOR EXTENSION OF TIME
TO FILE A RESPONSE TO PLAINTIFF'S
SECOND AMENDED COMPLAINT
(FIRST REQUEST)**

17 COME NOW Defendants, CONNIE BISBEE, DARLA FOLEY, ED GRAY, SHAWN
18 ARRUTI and JAMES WRIGHT (Parole Board and DPS Defendants), by and through their attorneys,
19 AARON D. FORD, Attorney General, and KATHLEEN BRADY, Deputy Attorney General hereby
20 submits this Motion for Extension of Time to File a Response to Plaintiff's Second Amended
21 Complaint. This is Parole Board and DPS Defendants' first motion for an extension of time to file a
22 response. This Motion is based on Federal Rule of Civil Procedure 6(b)(1)(A) and LR IA 6-1, the
23 following Memorandum of Points and Authorities, and all papers and pleadings on file in this action.

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 **I. ARGUMENT**

26 Parole Board and DPS Defendants respectfully request an extension of time to file a Response
27 to Plaintiff's Second Amended Complaint (ECF No. 56), which is currently due February 21, 2019.
28

1 Counsel for Parole Board and DPS Defendants has been ill and has been unable to make final revisions
2 to the response to the Second Amended Complaint.

3 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

4 When an act may or must be done within a specified time, the court may,
5 for good cause, extend the time: (A) with or without motion or notice if
6 the court acts, or if a request is made, before the original time or its
extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

7 Parole Board and DPS Defendants' request is timely and its limited nature will not hinder or
8 prejudice Plaintiff's case, but will allow for thorough briefing in response to the operative Complaint in
9 this case. The First Amended Complaint and the Second Amended Complaint vary in content and
10 argument and, consequently, any draft response by Parole Board and DPS Defendants to the First
11 Amended Complaint would not be duplicative of the response to the Second Amended Complaint.
12 Parole Board and DPS Defendants assert that the requisite good cause is present to warrant the
13 requested extension of time for the determination of which complaint is controlling in this case.

14 For these reasons, Parole Board and DPS Defendants respectfully request an extension of time
15 to file a Response to Plaintiff's Second Amended Complaint, with a new deadline of 14 additional days,
16 or March 7, 2019.

17 DATED this 20th day of February, 2018.

18 AARON D. FORD
19 Attorney General

20 By: /s/ Kathleen Brady
21 KATHLEEN BRADY
22 Deputy Attorney General
Attorneys for Defendants CONNIE BISBEE,
DARLA FOLEY, ED GRAY, SHAWN ARRUTI and
JAMES WRIGHT

23
24 IT IS SO ORDERED
25 
26 U.S. MAGISTRATE JUDGE
27 DATED: 2/25/2019
28

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on February 20, 2019, I filed the foregoing document via this Court's electronic filing system. Parties that are registered with this Court's EFS will be served electronically.

IAN E. CARR,
Deputy Attorney General
100 N. Carson Street
Carson City, NV 89701

For those parties not registered, service was made by depositing a copy of the above-referenced document for mailing in the United States Mail, first-class postage prepaid, at Carson City, Nevada to the following:

John Quintero (#93782)
Warm Springs Correctional Center
P.O. Box 7007
Carson City, NV 89702

/s/ Barbara D. Cozens
Barbara D. Cozens